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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James U. Morrison Examiner: White, Everett
Application No.: 09/829,707 Group Art: 1623
Filing Date: April 10, 2001 Docket No.: 26017-3 (old)
26017-6 (new)

Title: METHOD AND COMPOSITION FOR CONTROLLED RELEASE ACARBOSE
FORMULATIONS

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated August 7, 2003 finally rejecting all pending claims.

The items checked below are appropriate:

- | | | | |
|----|-----|-------------------------------------|----------|
| 1. | (X) | Appeal Fee, Small Entity | \$165.00 |
| 2. | () | Appeal Fee, Other Than Small Entity | \$330.00 |
| 3. | () | An Extension of Time is Being Filed | |

Concurrently with this Notice of Appeal For:

- () One-Month
() Two-Month
() Three Month

10/22/2003 TLWU11 00000026 09829707

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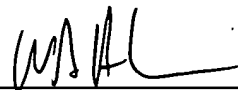
4. (X) An Extension of Time is not believed to be due for the reasons stated below, however, the Commissioner is authorized to charge any unpaid or required amounts not submitted herewith to Deposit Account 02-2051, specifically identifying Attorney Docket No. 26017-6.

Applicant received a Final Office Action dated August 7, 2003, wherein the Office set a three-month statutory period for reply. Therefore, this Notice of Appeal and Appeal Brief are timely filed.

Respectfully submitted,

Dated: October 15, 2003

By:



W. Scott Harders
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